

PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

17

Application Number

10/659,597

Filing Date

September 9, 2003

First Named Inventor

CHILBECK, Richard H.

Art Unit

1723

Examiner Name

Terry K. Cech

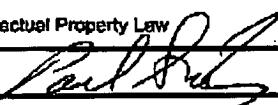
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ENCLOSURES (Check all that apply)

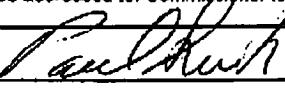
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet, cover letter, credit card payment form
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Paul Smith Intellectual Property Law		
Signature			
Printed name	Paul Smith		
Date	November 16, 2004	Reg. No.	35,777

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Paul Smith	Date	November 16, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAUL SMITH
INTELLECTUAL PROPERTY LAW
SUITE 330 - 1508 W. BROADWAY
VANCOUVER, B.C.
V6J 1W8

Date: November 16, 2004

Number of pages including this one: { 17 }

Fax to: The Commissioner of Patents
United States Patent and Trademark Office

Attention: Examiner Terry K. Cecil, Art Unit 1723

Fax Number: 703-872-9306

Your File(s): 10/659,597

Fax from: Paul Smith

Fax Number: 604-689-7216

Our File(s): 196P1

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Paul Smith, P.Eng., LL.B.
C. Larry Kyle, B.Sc., LL.B.
Dana L. Turner, B.Sc. (Met. Eng.), LL.B.
Lawrence Chan, B.Sc., LL.B.

Christine Sharik, Trademark Agent

November 16, 2004

Our File: 196P1

Commissioner of Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

VIA FAX ONLY
703-872-9306

Dear Sir or Madam:

Re: United States Patent Application No. 10/659,597
 Title: APPARATUS FOR REMOVING METALLIC PARTICLES
 FROM EFFLUENT LIQUID WASTE
 Inventor: CHILIBECK, Richard H.
 Owner: CHILIBECK, Richard H.
 Filing Date: September 9, 2003
Art Unit No.: 1723

We file herewith the following:

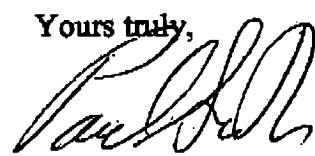
1. Transmittal Form PTO/SB/21 (1 page);
2. Fee Transmittal Form (PTO/SB/17) (1 page);
3. Credit Card Payment Form (PTO-2038) (1 page);
4. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent (PTO/SB/26) (1 page);
5. A Response to the Office Action dated November 15, 2004 (7 pages); and

SUITE 330 - 1508 WEST BROADWAY
 VANCOUVER BRITISH COLUMBIA CANADA V6J 1W8
 • tel: (604) 689-7276 • fax: (604) 689-7216

6. Copy of an Assignment from the inventor/applicant Richard Chilibeck to
Maximum Separation Systems Inc.

We trust the above is satisfactory and look forward to further prosecution of this
application in due course.

Yours truly,



Paul Smith
Reg. No. 35,777

PS/cs/enclosures
196p1.usp

PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55)

Complete if Known

Application Number	10/659,597
Filing Date	September 9, 2003
First Named Inventor	CHILIBECK, Richard H.
Examiner Name	Terry K. Cecil
Art Unit	1723
Attorney Docket No.	19691

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number
 Deposit Account Name

The Director is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	65	Surcharge - late filing fee or oath	
1052 50	2052 25	25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1063 130	130	Non-English specification	
1812 2,520	1812 2,520	2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	55	Extension for reply within first month	
1252 430	2252 215	215	Extension for reply within second month	
1253 680	2253 480	480	Extension for reply within third month	
1254 1,530	2254 765	765	Extension for reply within fourth month	
1255 2,080	2255 1,040	1,040	Extension for reply within fifth month	
1401 340	2401 170	170	Notice of Appeal	
1402 340	2402 170	170	Filing a brief in support of an appeal	
1403 300	2403 150	150	Request for oral hearing	
1451 1,510	1451 1,510	1,510	Petition to institute a public use proceeding	
1452 110	2452 55	55	Petition to revive - unavoidable	
1453 1,370	2453 685	685	Petition to revive - unintentional	
1501 1,370	2501 685	685	Utility issue fee (or reissue)	
1502 490	2502 245	245	Design issue fee	
1603 680	2503 330	330	Plant issue fee	
1460 130	1460 130	130	Petitions to the Commissioner	
1807 50	1807 60	60	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	180	Submission of Information Disclosure Stmt	
8021 40	8021 40	40	Recording each patent assignment per property (times number of properties)	
1809 780	2809 395	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 385	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	395	Request for Continued Examination (RCE)	
1802 800	1802 800	800	Request for expedited examination of a design application	

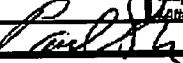
SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater. For Reissues, see above

Other fee (specify) Terminal Disclaimer fee 55

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 55)

SUBMITTED BY

Name (Print/Type)	Paul Smith	Registration No. (Attorney/Agent)	35,777	Telephone	604-689-7276
Signature				Date	Nov. 16, 2004

(Complete if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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196P1

ASSIGNMENT

This Assignment is made by CHILIBECK, Richard of 5549 Forest Hill Road, Victoria, British Columbia, CANADA, V9E 2A8 (hereinafter referred as "Assignor"), to Maximum Separation Systems Inc., ("Assignee") having a place of business at 6588 Sooke Road, Sooke, British Columbia, CANADA, V0S 1N0.

WHEREAS, Assignor has invented a new and useful invention entitled **APPARATUS FOR REMOVING METALLIC PARTICLES FROM EFFLUENT LIQUID WASTE**, (the "Invention") as described and claimed in United States Patent Application No. 10/659,597 filed September 9, 2003 (the "Application");

WHEREAS, Assignor believes himself to be the original, first inventor of the Invention disclosed and claimed in said Application; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said Invention, in and to said Application, and in and to any patent that may be granted for said Invention or in respect of said Application in the United States or anywhere in the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assign and transfer to Assignee, the entire right, title and interest in and to said Invention, in and to said Application, and in and to any patent that may be granted for said Invention or on said Application in the United States and anywhere in the world, including the right to file applications directly in any country in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing any patent as may issue anywhere in the world for said Invention, or on said Application, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said Invention, said Application, and any patent granted for said Invention in the United States or anywhere in the world.

Assignor represents and warrants that he has not granted and will not grant to any other person or entity any rights inconsistent with the rights granted herein.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any patent granted for said Invention, whether on said Application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said Invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the dates written hereinbelow.

Assignor:

Dated: November 1, 2004

Richard Chilibeck
RICHARD CHILIBECK

Witness: Margaret Chilibeck

Witness name: Margaret Chilibeck
(printed)

Accepted by Assignee:

Dated: November 5, 2004

MAXIMUM SEPARATION SYSTEMS INC.

Per: S. L. Loftey

Title: President

Witness: S. Loftey

Witness name: Sue Loftey
(printed)